United Nations S/2003/581

Security Council

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Draft resolution

The Security Council,

Reiterating its primary responsibility for the maintenance of international peace and security and, in this context, the need to promote and ensure respect for the principles and rules of international humanitarian law,

Reaffirming its resolutions 1296 (2000), of 19 April 2000, and 1265 (1999), of 17 September 1999, on protection of civilians in armed conflict, and resolution 1460 (2003), of 30 January 2003, on children and armed conflict, as well as other relevant resolutions, and *recalling* the statements of its President on protection of civilians in armed conflict[1] and on protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones,[2]

Welcoming the adoption by the General Assembly of resolutions 57/28 entitled *Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel* and 57/155 entitled *Safety and security of humanitarian personnel and protection of United Nations personnel*,

Reaffirming the obligation of all humanitarian personnel and United Nations and its associated personnel to observe and respect the laws of the country in which they are operating, in accordance with international law and the Charter of the United Nations, and *underlining* the importance for humanitarian organizations to uphold the principles of neutrality, impartiality and humanity in their humanitarian activities,

Emphasizing that there are existing prohibitions under international law against attacks knowingly and intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission undertaken in accordance with the Charter of the United Nations which in situations of armed conflicts constitute war crimes, and recalling the need for States to end impunity for such criminal acts,

Aware that the protection of humanitarian personnel and United Nations and its associated personnel is a concern in situations of armed conflict and otherwise,

Gravely concerned at the acts of violence in many parts of the world against humanitarian personnel and United Nations and its associated personnel, in particular deliberate attacks, which are in violation of international humanitarian law, as well as other international law that may be applicable, such as the attack

[1] Presidential Statements S/PRST/2002/6 and S/PRST/2002/41.
[2] Presidential Statement S/PRST/2000/4.

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against the Headquarters of the United Nations Assistance Mission in Iraq (UNAMI) in Baghdad on 19 August 2003,

1. *Expresses its strong condemnation* of all forms of violence, including, inter alia, murder, rape and sexual assault, intimidation, armed robbery, abduction, hostage-taking, kidnapping, harassment and illegal arrest and detention to which those participating in humanitarian operations are increasingly exposed, as well as attacks on humanitarian convoys and acts of destruction and looting of their property;

2. *Urges* States to ensure that crimes against such personnel do not remain unpunished;

3. *Reaffirms also* the obligation of all parties involved in an armed conflict to comply fully with the rules and principles of international law applicable to them related to the protection of humanitarian personnel and United Nations and its associated personnel, in particular international humanitarian law, human rights law and refugee law;

4. *Urges* all those concerned as set forth in international humanitarian law, including the Geneva Conventions and the Hague Regulations, to allow full unimpeded access by humanitarian personnel to all people in need of assistance, and to make available, as far as possible, all necessary facilities for their operations, and to promote the safety, security and freedom of movement of humanitarian personnel and United Nations and its associated personnel and their assets;

5. *Expresses its determination* to take appropriate steps in order to ensure the safety and security of humanitarian personnel and United Nations and its associated personnel, including, inter alia, by:

(a) *Requesting* the Secretary-General to seek the inclusion of, and that host countries include, key provisions of the Convention on the Safety of United Nations and Associated Personnel, among others, those regarding the prevention of attacks against members of United Nations operations, the establishment of such attacks as crimes punishable by law and the prosecution or extradition of offenders, in future as well as, if necessary, in existing status-of-forces, status-of-missions and host country agreements negotiated between the United Nations and those countries, mindful of the importance of the timely conclusion of such agreements;

(b) *Encouraging* the Secretary-General, in accordance with his prerogatives under the Charter of the United Nations, to bring to the attention of the Security Council situations in which humanitarian assistance is denied as a consequence of violence directed against humanitarian personnel and United Nations and its associated personnel;

(c) *Issuing* the declaration of exceptional risk for the purposes of article 1 (c) (ii) of the Convention on the Safety of United Nations and Associated Personnel, in situations where in its assessment circumstances would support such a declaration, and *inviting* the Secretary-General to advise the Council, where in his assessment circumstances would support such a declaration;

6. *Requests* the Secretary-General to address in all his country-specific situation reports, the issue of the safety and security of humanitarian personnel and United Nations and its associated personnel, including specific acts of violence against such personnel, remedial actions taken to prevent similar incidents and

actions taken to identify and hold accountable those who commit such acts, and to explore and propose additional ways and means to enhance the safety and security of such personnel.